

August 13 2010

IN THE SUPREME COURT OF THE STATE OF MONTANA

OP 10-0393

FILED

AUG 13 2010

TJ VIETOR,

Petitioner,

v.

GRANITE COUNTY JUSTICE COURT,
HONORABLE RICHARD MOTTA, Presiding,

Respondent.

Ed Smith
CLERK OF THE SUPREME COURT
STATE OF MONTANA

ORDER

Petitioner TJ Vietor, by counsel, has filed a Petition for Writ of Supervisory Control. She seeks an order staying contempt proceedings against her which are now scheduled for this date, August 13, at 1:30 p.m., and a supervisory order from this Court directing the Respondent to set forth a specific statement of the charge and the intended penalty. Vietor maintains that she has not been apprised of the charges against her, and that she is entitled to due process of law, to include advance notice of the charges against her, a reasonable opportunity to meet those charges by defense or explanation, and the right to be represented by counsel and offer testimony. *Kauffman v. Mont. Twenty-First Judicial Dist. Court*, 1998 MT 239, ¶ 26, 291 Mont. 122, 966 P.2d 715. She complains that none of these rights have been afforded her.

Having reviewed the Order to Show Cause served upon Vietor, which contains no notice of the nature of the proceedings or the facts underlying the order to show cause, we conclude her argument has merit. Accordingly,

IT IS HEREBY ORDERED that the contempt proceedings now pending in the Respondent's Court are STAYED until further order of this Court.

IT IS FURTHER ORDERED that the Respondent shall file a response to Vietor's Petition within 20 days of the date of this Order, and shall serve a copy of such response upon counsel for Vietor.

The Clerk is directed to serve a copy of this Order and give immediate telephonic notice hereof to all counsel of record and to the Honorable Dick Motta, Granite County Justice Court.

DATED this 13th day of August, 2010.

Patricia Cotter

Just

W. William Beckett

Juan Ruiz

Justices